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(*b*) under what provision of law the Police arrested them and kept them for such a length of time in the sub-jail without their being charge-sheeted and brought before the Sub-Magistrate for trial;

(*c*) in whose custody were the said ladies during their detention; and

(*d*) what action the Government have taken or propose to take in the matter?

A.—(*a*) Yes.

(*b*) On 18th March 1932 the three persons were found exhorting students in the Ellore High School compound to take part in Congress activity, and distributing Congress leaflets. They were arrested for having committed an offence under section 17 (1) of the Indian Criminal Law Amendment Act, 1908, and remanded to custody pending investigation by the Police as to who had instigated them to commit the offence and as to the origin of the Congress leaflets. Investigation showed that these persons were of minor importance and were merely tools in the hands of others. It was therefore decided not to prosecute them. They were released on 2nd April 1932 within the period of 15 days remand permissible under section 167, Criminal Procedure Code, for purpose of Police investigation.

(*c*) They were under custody in the Sub-Jail, Ellore.

(*d*) None.

Search of the Khadi depot of the Andhra branch of the All-India Spinners Association at Nidadavole.

* 9 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Home Member be pleased to state—

(*a*) whether the Police searched the premises and the Khadi depot of the Andhra branch of the All-India Spinners Association at Nidadavole; and

(*b*) whether they seized any account books, and if so, what books, how many, and why; and whether they have been since returned; if not, why not?

A.—The Government have no information but have called for it.

Mr. Basheer Ahmed Sayeed:—" May I know whether the information called for has not yet been received by the Government? "

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—" No, Sir."

Alleged handcuffing of Congress volunteers under arrest.

* 10 *Q.*—Mr. U. C. Subrahmanya Bhatt: Will the hon. the Home Member be pleased to state—

(*a*) whether two Congress volunteers Basappa and Mahabala Alva who were arrested by the Police of Mangalore in about March were

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cited as witnesses in Mr. B. Venkappa Rai's case which was pending before the Subdivisional Magistrate, Mangalore; if so, whether they were brought to the Subdivisional Magistrate's Court and handcuffed; and

(*b*) whether it is a fact that on the very same date, i.e, 28th March some other prisoners undergoing trial in the Sessions Court of Mangalore for murder were brought to the Sessions Court from the same jail; if so, whether it is a fact that they were not handcuffed?

A.—(*a*) The facts are as follows:—

On 28th March 1932 two Police constables were escorting the prisoners, Mahabala Alva and M. Basappa, one convicted and the other an under-trial, from the sub-jail to the Court of the Subdivisional Magistrate, Mangalore. On the way some persons collected shouting 'jais' and attempted to garland M. Alva. On account of this demonstration and more particularly because the prisoners refused to move, the escort grew anxious and, lest they should escape, handcuffed them for a short distance. As they were approaching the Court the handcuffs were removed. The prisoners were not handcuffed when they were taken back to the sub-jail, as there was no demonstration.

(*b*) It is reported that the murder case prisoners were handcuffed when being taken from the sub-jail to the Sessions Court on the same day.

Mr. Sami Venkatachalam Chetti:—"May I know if it is the crying of 'jais' by the people and attempting to garland Mr. Alva that resulted in the handcuffing of the prisoners?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"The Police thought that the crowd gathered there would help the prisoners to escape."

Mr. Sami Venkatachalam Chetti:—"Because a crowd gathered, what reason is there for the Police to think that the prisoners will escape?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"The crowd showed sympathy with the prisoners and naturally it was thought that they would assist the prisoners in getting out of the Police custody."

Mr. Sami Venkatachalam Chetti:—"Is it that, when a crowd gathers, the prisoners ought to be handcuffed?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"When it was found there was a chance of the prisoners escaping from custody, they were handcuffed."

Mr. Sami Venkatachalam Chetti:—"Is it reported that the prisoners attempted to escape?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:—"There was a chance of escaping."

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Mr. Basheer Ahmed Sayeed:—"May I ask whether it is laid down in the rules anywhere that, if the prisoners refused to move, they should be handcuffed?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:— "No laying down of any rule is necessary. It is commonsense to guard against prisoners escaping."

Mr. Basheer Ahmed Sayeed:—"When the prisoners refuse to move, is it commonsense that the prisoners should be handcuffed?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:— "I have nothing to add to what I have already said."

Mr. Sami Venkatachalam Chetti:—"If the prisoners are unable to move, what is the use of handcuffing them?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:— "There was a big crowd and it was necessary to secure the prisoners."

Mr. Sami Venkatachalam Chetti:—"Is it because of the crowd they were handcuffed?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:— "The prisoners had a chance of escaping from custody."

Date of the addendum to the extract from the Police Gazette *regarding the use of lathis.*

* 11 *Q.*—Mr. U. C. Subrahmanya Bhatt: With reference to the answer to question No. 1254, answered on 24th March 1932, will the hon. the Home Member be pleased to state the date on which the addition of the last paragraph beginning with "add the following at the end of the section, etc." restricting the scope of the main body of instructions to formidable mobs, was made in the *Police Gazette*, dated the 2nd August 1930?

A.—6th February 1932.

Mr. U. C. Subrahmanya Bhatt:—"May I know whether it is not a fact that till the 6th of February 1932, when the amendment was made, the order of the Government to use minimum force was not given effect to and the order of the Inspector-General of Police, as contained in the *Police Gazette* to use maximum force and that on the face and neck and head was in continuance?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur:— "The order was there, but it was not put to any practical use."

Prisons and Prisoners

Proposed shifting of the office of the Inspector-General of Prisons to Madras.

* 12 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Law Member be pleased to state—

(*a*) whether there is any proposal before the Government to shift the office of the Inspector-General of Prisons to Madras; and

(*b*) if so, when the Government propose to give effect to the same?